

**NEW CHANCE
SEEN**

**FOR LEO M.
FRANK**

**IN SUPREME
COURT**

Appeal From State
Supreme

Court's First Decision
Pos-
sible Under Certain
Condi-
tions, Says Hooper
Alex-
ander.

***PLEA WOULD BE
BASED***

***ON CROWD'S
INFLUENCE***

Harry Alexander Says Law- yers for Defense Will Give Careful Consideration to United States Attorney's Opinion.

That Leo M. Frank has a ground of Appeal to the Supreme Court of the United States, on a Writ of Error from the Georgia Supreme Court's first decision in the Case, was the opinion expressed by Hooper Alexander, United States District Attorney, in an address before the students of the Atlanta Law school Monday afternoon in his class in "Constitutional Law."

Mr. Alexander was lecturing to the students on the fourteenth amendment, and was discussing the “Due Process” clause of that Amendment, when the question was propounded by one of the students: “Can you tell us why Leo M. Frank’s Appeal on this ground was turned down by the United States Supreme Court?”

Why Appeal Was Denied.

Mr. Alexander explained that the United States Supreme Court simply conceded the prior right of the Georgia Supreme Court to define what “Due Process of Law” in this State shall be, in regard to the manner and time of making Appeals from the decision of lower Courts. He then went on to state that on a different ground from the one carried this time before, the United States Supreme Court he believed that Frank yet has a right of Appeal, in bringing up the question of the influence of the crowd at the trial of Frank.

“I do not know whether this point was set forth in proper form in the original motion for a new trial, which was turned down by the Georgia Supreme Court,” said Mr. Alexander, “but if it was so raised, and if the time for obtaining a Writ of Error on that first decision has not yet expired—and I do not believe it has expired—then in my opinion Leo M. Frank can take his Case before the United States Supreme Court on a Writ of Error from the first Georgia decision.”

If an Appeal should be made on the procedure suggested by Mr. Alexander in his address, and if such an Appeal should be heard and favorably considered by the United States Supreme Court, it would result not in setting Leo M. Frank free, as the first Appeal to the Federal Court would have done, but would result in the granting of a new trial to Frank on the ground that he had not been granted “Due Process of Law” at his first trial.

Frank’s Lawyers Interested.

Harry Alexander, who has just returned from Washington, where he led the unsuccessful fight before the United States

Supreme Court to get a hearing on the petition to set aside the verdict on Constitutional grounds, was greatly interested in the opinion of Hooper Alexander.

“Mr. Alexander is one of the ablest lawyers in the State,” he said, “and is regarded as an Authority on Constitutional points. Consequently, we feel greatly encouraged over his view of the Case.”

“I agree with him that the influence of the crowd on the jury constitutes a point on which the United States Supreme Court has a right to act.”

“In fact, we have argued this point, before the individual justices of the Supreme Court, when we made the point that Frank’s Constitutional Rights were violated when he was not present at the rendering of the verdict.”

Result of the Crowd.

“Now the fact that he was not there was simply the result of the inflamed condition of the public mind. Had the conditions been right, and the surroundings such that a fair trial could have been given Frank, the judge would never have suggested that the prisoner be kept in the Tower when the time for the rendering of the verdict came.”

“I do not know, of course, whether we will be able to ask a hearing by the Supreme Court on an Appeal from the first decision by the Georgia Supreme Court, as Mr. Alexander suggests, agree with him, however, that if the point of violation of the federal rights was covered in the original Appeal to the Georgia Supreme Court for a new trial, then we have a right to Appeal from that decision, even at this time, to the United States tribunal.”

“Of course, the necessary legal steps to make this Appeal possible may not have been taken in Frank’s first Appeal, thus blocking our efforts, but we will certainly give the opinion of Mr. Alexander the fullest and the most careful investigation, for we

are determined to exhaust every possible means of securing another trial, at which we are certain that the truth will triumph, and Frank will be freed.”
